



Copy of Signed Decision

Title of Matter: Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division - NSW Divisional Branch - ACT Sub-Branch

Section: s.189(1) RO Act - Notification of elections for office

Subject: ACT Sub-Branch - President (1); Secretary (1); Trustee (1); Committee of Management Member (3)

Matter Number(s): E2015/103

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules can be accessed via the [website](#).

Contact: Mr David Broadley of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Carolyn Moloney through orgs@fwc.gov.au.

20 MARCH 2015



FairWork
Commission

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Title of Matter: Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division NSW Divisional Branch

Section: s.189(1) RO Act - Notification of elections for office

Subject: ACT Sub-Branch - President (1); Secretary (1); Committee of Management Member (1)

Matter Number(s): E2015/103

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

Please note: Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

Inquiries:

Any inquiries relating to this are to be directed to Carolyn Moloney
Phone: 02 8374 6510, email: carolyn.moloney@fwc.gov.au, Fax: 02 9380 6990.

20 MARCH 2015



DECISION

Fair Work (Registered Organisations) Act 2009
s.189—Arrangement for conduct of an election

**Communications, Electrical, Electronic, Energy, Information, Postal,
Plumbing and Allied Services Union of Australia**
(E2015/103)

MR ENRIGHT

MELBOURNE, 19 MARCH 2015

Arrangement for conduct of election.

[1] On 11 March 2015 the ACT Sub-Branch of the NSW Divisional Branch of the Plumbing Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to an election.

[2] On 18 March 2015 the organisation lodged further and amended prescribed information. The further amended prescribed information was an amended resolution to verify the number of Sub-Branch Trustees and Sub-Branch Committee of Management Members required, in accordance with the relevant rules. The further and amended prescribed information is in relation to an election for the following offices:

Sub-Branch President	(1)
Sub-Branch Secretary	(1)
Sub-Branch Trustee	(1)
Sub-Branch Committee of Management Member	(3)

[3] The prescribed information was not lodged before the prescribed day as required by section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act).

[4] On 11 March 2015, Mr Earl Setches, the Divisional Secretary of the Plumbing Division of the CEPU (the Division), provided a request for an extension of time for lodgement of the prescribed information. The request provides that the delay in lodgement arose due to a misunderstanding of the definition of “prescribed day” as set out in regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. Mr Setches further notes that the various pieces of prescribed information for the last quadrennial elections for offices of the Division and its branches and sub-branches were also lodged in 2011 about the same time according to that previous misunderstanding.

[5] Rule 49.4 of the rules of the Division provides that nominations “must open no later than the last Monday in March in each election year”. Therefore, according to the rules of the Division, the first day when a person may become a candidate in the election is 30 March 2015 at the latest. Given this, the prescribed information was required to be lodged before 30 January 2015.

[6] With regard to the request for an extension of time for lodgement of the prescribed information, I have considered the explanation for the delay in lodging the prescribed information provided by Mr Setches. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure that they comply with the time-frame requirements set out not only in the Act but also in instruments or references pertaining to their own governance formulated by organisations themselves, I decline on this occasion to allow, in the formal sense intended by section 189(2) of the Act, a later day for lodgement. The failure of the organisation to lodge the prescribed information before the prescribed day contravenes section 189(2) of the Act which is a civil penalty provision. Failures by organisations to comply with civil penalty provisions may be the subject of applications by the Fair Work Commission for orders in the Federal Court.

[7] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[8] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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Copy of Prescribed Information

Title of Matter: Application/Notification by Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia - Plumbing Division - NSW Divisional Branch

Section: s.189(1) RO Act - Notification of elections for office

Subject: ACT Sub-Branch - President (1); Secretary (1); Committee of Management Member (1)

Matter Number(s): E2015/103

Attn: Electoral Officer

A copy of an amended resolution for the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

18 MARCH 2015

MOLONEY, Carolyn

Subject: FW: ACT CEPU Election
Attachments: ACT RESOLUTION AMENDED.pdf

-----Original Message-----

From: Paul Coffey [mailto:██████████]
Sent: Wednesday, 18 March 2015 10:28 AM
To: Orgs
Subject: ACT CEPU Election

Attention Carolyn.
Please see attached amended ACT Resolution Sorry about the typos

--
Regards,

Paul Coffey
Industrial Officer
Plumbing Trades Employees Union
██████████
www.pteu.asn.au

25th February 2015

Resolution

At this special meeting of the A.C.T. Sub- Branch of the CEPU Plumbing Division we endorse that the following positions be posted for re-election.

ACT Sub-Branch President (1) (Direct Voting System DVS)

ACT Sub-Branch Secretary (1) (DVS)

ACT Sub-Branch Committee of

Management Members (3) (DVS)

ACT Sub-Branch Trustee (1) (DVS)

This motion was discussed and moved by [REDACTED] (Member)

This motion was seconded by [REDACTED] (Member)

Motion was carried

Signed:



Dave Broadley

NSW State Secretary



PLUMBING TRADES EMPLOYEES UNION
Communications, Electrical and Plumbing Union

VICTORIAN BRANCH
ABN 17 665 414 428

EARL SETCHES
Branch Secretary

PADDY McCRUDDEN
Assistant Secretary

52 Victoria St
Carlton South 3053

Ph: 03 9662 3388
Fax: 03 9663 2613

www.pteu.asn.au

11/03/2015

General Manager

Registered Organisations Team

Fair Work Commission

Re: CEPU Plumbing Elections

Dear General Manager.

The CEPU Plumbing has lodged various election prescribed notices in relation to upcoming elections. These notices were lodged (emailed) to your department last Friday March 6th.

It has been pointed out that these lodgements have been lodged late as per Regulation 138(3) of the Registered Organisation Rules of the Fair Work Act.

As these lodgements were late the CEPU Plumbing would like to request an extension of time for the following reasons.

As per the above regulation, the CEPU has taken the meaning of this regulation as follows

The regulation states that the prescribed day to be 2 months before the day a person may, under the rules of the organisation or branch, become a candidate for an election.

The CEPU took this to mean a person cannot become a candidate until an election is called by the AEC and not when nominations are open as per your correspondence.

In 2011, our prescribed notices were lodged about the same time as our current notices so we were of the understanding this was acceptable.



I would like to apologise for the inconvenience caused and officially ask for an extension of time for the following branches and sub-branches.

Victoria

Geelong (sub branch)

NSW

Newcastle (sub-branch)

ACT (sub-branch)

Western Australia

Once again I would like to apologise for our mis interpretations.

Yours Sincerely

A handwritten signature in cursive script that reads "Earl Setches".

Earl Setches

Divisional Secretary

CEPU Plumbing Division



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Section: s.189(1) RO Act - Notification of elections for office

Subject: ACT Sub-Branch - President (1); Secretary (1); Committee of Management Member (1)

Matter Number(s): E2015/103

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

Inquiries:

Any inquiries relating to this are to be directed to: orgs@fwc.gov.au.

11 MARCH 2015

25 February 2015

Resolution

At this special meeting of the ACT Sub- Branch of the CEPU Plumbing Division we endorse that the following positions be posted for re-election.

ACT Sub-Branch President (1) (Direct Voting System DVS)

ACT Sub-Branch Secretary (1) (DVS)

ACT Sub-Branch Committee of

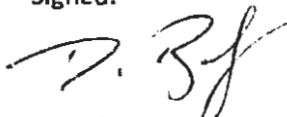
Management Members (1) (DVS)

This motion was discussed and moved by [REDACTED]

This motion was seconded by [REDACTED]

Motion was carried

Signed:



NSW State Secretary

SIGNED STATEMENT OF PRESCRIBED INFORMATION FOR AN ELECTION

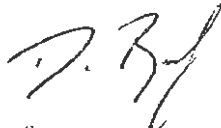
I, Dave Broadley, being the NSW Branch Secretary of the Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia – Plumbing Division, NSW Branch, make the following statement.

I am the NSW Branch Secretary of the Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia – Plumbing Division, NSW Branch.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the ACT Sub-Branch of the Communications Electrical Electronic Energy Information Postal Plumbing and Allied Services Union of Australia – Plumbing Division.

I confirm that the following information is being lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009.

Signed:



Dated: 25th February 2015

Offices/ Positions "A"

ACT Sub-Branch President (1) Direct Voting System
ACT Sub-Branch Secretary (1) (DVS)
ACT Sub-Branch Trustee (1) (DVS)
ACT Sub-Branch Committee of Management Members (3) (DVS)

Reason for Election:

Election for offices and positions marked "A" respectively is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected By:

The electorate for the voting system is the whole of the Branch.

Nominations Open:

For the offices to be elected by direct voting system – the last Monday in March

Nominations Close:

For the offices to be elected by direct voting system – the last Monday in April

Cut-off Date for Roll:

In all cases – 7 days prior to the opening date for nominations – Rule 49.9 (see note below)

Notes:

Given that the last Monday in April is a Public Holiday and there are a total of 3 Public Holidays in the nomination period it may be necessary to change the date of nominations closing to the last Friday in April. If the date is to change the actual closing date will not be in accordance with the CEPU Plumbing Rules. (Rule 49.9).

Rule 49.4

Nominations shall be called for by advertisement in a daily newspaper circulating in the State or Territory in which the Branch is situated. Nominations must open no later than the last Monday in March in each election year. The closing date for nominations shall be the last Monday in April, 1995 and in each fourth year thereafter. Provided that any nomination may be withdrawn upon written notice of the nominee delivered to the Returning Officer within two weeks of the close of nominations.